

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52273 of 2023

Arising Out of PS. Case No.-361 Year-2023 Thana- TAJPUR District- Samastipur

Ashish Kumar @ Bullet Kumar, S/O Gauri Shankar Sah R/O
Village/Mohalla- Waini, Ps. Waini, Dist. Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 2 16-08-2023 1. Heard learned counsel for the petitioner and learned
APP for the State.
2. The petitioner seeks bail in anticipation of his arrest
in a case registered for the offences punishable under Section 30(a)
of the Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case as pleaded in the
supplementary affidavit and the allegation is of recovery of 194.76
litres of liquor from a Scorpio vehicle and 16.74 litres of liquor
from the rental house of Md. Afroz.
4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and he came to be
implicated at the instance of Chaukidar with whom he is on an
inimical term. It is next submitted that petitioner is not the owner
of the seized vehicle.



5. Learned A.P.P. opposes the bail application and submits that no pleading to that effect has been made in the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.II, Samastipur in connection with Tajpur (Waini O.P.) P. S. Case No.361 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, the learned trial Court before accepting the bail bonds of the petitioner shall verify the ownership of the seized vehicle and in the event, if it is found that the same belongs to the petitioner, then the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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